

BILLY J. WILLIAMS, OSB #901366

United States Attorney

District of Oregon

JARED D. HAGER, WSB #38961

Assistant United States Attorney

United States Attorney's Office

1000 S.W. Third Avenue, Suite 600

Portland, Oregon 97204-2902

Email: jared.hager@usdoj.gov

Telephone: 503.727.1120

Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

AMBER CORDRY-MARTINEZ, an
individual,

Case No. 6:17-CV-00663

Plaintiff,

v.

NOTICE OF REMOVAL OF CIVIL
ACTION

OREGON ARMY NATIONAL GUARD,
an Oregon state agency, and **THEODORE
SANTOYO**, an individual, in his individual
and official capacities,

Defendants.

To: The United States District Court for the District of Oregon

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441-1446, on behalf of the Defendants, the Oregon Army National Guard and Theodore Santoyo, Billy J. Williams, United States Attorney for the District of Oregon, and Jared D. Hager, Assistant United States Attorney, file this Notice of Removal of Civil Action to remove Marion County Circuit Court, State of Oregon, Case No. 17CV11590, to this Court for the following reasons:

Page 1

Notice of Removal of Civil Action

Cordry-Martinez v. Oregon Army National Guard, Case No. 6:17-CV-00663

1. On or about March 16, 2017, Plaintiff Amber Cordry-Martinez filed a civil action against the Oregon Army National Guard and Theodore Santoyo seeking \$952,500.00 in damages for alleged employment discrimination under ORS 659A.030, retaliation under ORS 659A.199 and 659A.203, wrongful discharge, and constitutional violations under 42 U.S.C. § 1983. The civil action—titled *Cordry-Martinez v. Oregon Army National Guard* and numbered 17-cv-11590—is before the Marion County Circuit Court, in the State of Oregon.

2. The Defendants are authorized by statute to remove this case to federal court because Ms. Cordry-Martinez and Mr. Santoyo were under active duty orders of the United States Army at all relevant times of all material factual allegations set forth in the complaint, making them federal officers for purposes of this litigation. *See* 28 U.S.C. § 1442(a)(1). Specifically, between January 1, 2012 and September 30, 2015, both Ms. Cordry-Martinez and Mr. Santoyo were active duty soldiers lawfully called to service by the United States Army pursuant to 32 U.S.C. § 502(f). *See* Attachment 1, Cordry-Martinez Active Duty Orders, at 1-21; Attachment 2, Santoyo Active Duty Orders, at 1-16.

3. With this Notice of Removal of Civil Action, the Defendants are filing a copy of all process, pleadings, and orders in this action as required by 28 U.S.C. § 1446(a). *See* Attachment 3, State Court Pleadings.

4. A copy of this Notice of Removal of Civil Action is being served upon Plaintiff's counsel, Micah Fargey, and a copy shall be filed with the Court Clerk of Marion County, Oregon, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the above-captioned case is removed from the Marion County Circuit Court, State of Oregon, to this Court pursuant to 28 U.S.C. § 1442(a)(1).

Dated this 27th day of April 2017.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney
District of Oregon

/s/ Jared D. Hager
JARED D. HAGER
Assistant United States Attorney
Attorneys for the Defendants